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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/054,864	04/03/1998	CRAIG R. FRINK	AO521/7145(P)	3189

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EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/11/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/054,864

Applicant(s)

FRINK ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-4,6 and 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5,7,8,17 and 18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-4 and 9-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Prosecution Application

The request filed on 01/29/2003 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/054,864 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Arguments

Applicant's arguments with respect to claims 5-8 and 17-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 5, 7, 8, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al. (US 5799150) in view of Washington et al. (US 5920572).

Regarding claim 5, Hamilton discloses a video processing system (Fig. 2), comprising:

A video processing device 40 (Server) comprising

A memory 56;

An input 60 for receiving request packets from a second video device 50 (Client) indicating the second video device 50 (Client) is capable of receiving data (Col. 9, lines 23-38); and

An output for sending 60, in response to a request packet, data packet from the source to the second video device 50 (Client) when data is available from the source (Col. 9, lines 48-56).

Regarding "wherein a request/data packet includes a stream identifier", it's notoriously well known in the data communication art that within a basic DMA packet format there exist a Stream ID. Hence, Hamilton communication protocol as described in Fig. 6 and 7 (Col. 7, lines 39-Col. 8, lines 63) clearly encompasses the limitation of "a request packet includes a stream identifier". Furthermore, Hamilton discloses "a stream identifier indicating a source for reading data from the memory in the video processing device" (an indication of a media file to be accessed; Col. 9, lines 25-26).

Hamilton does not clearly disclose a boundary signal portion including a boundary signal indicating that the data packet ends with a last component of the read data. However, Hamilton discloses that the network interface maintains a set of state information for each active transmit/receive channel regarding the amount of data that a transmitter/receiver could be transmitted/received (Col. 8, lines 5-43).

Washington discloses a boundary signal portion including a boundary signal indicating that the data packet ends with a last component of the read data

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(Col. 10, lines 51-Col. 11, lines 20 and Col. 12, lines 57-65+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hamilton by including a boundary signal to indicate that the data packet ends with a last component of the read data (boundaries of each packet), as taught by Washington, so Hamilton's system able to detect the synchronization status of the transport packets with the transport stream by identifying the boundaries of each packet, as disclosed (Col. 11, lines 1-20).

Regarding claim 7, Hamilton further discloses a request packet includes a request signal portion containing a request signal from the second video device (Client) indicating a request for transfer of an amount of valid data (Col. 9, lines 25-38).

Regarding claim 8, Hamilton further discloses means for permitting transfer of data through the output in an amount less than or equal to the amount of valid data indicated in the request packet and for holding data in an amount greater than the amount of valid data indicated in the request packet (Col. 9, lines 23-36 and Col. 10, lines 10-30).

Regarding of claims 17 and 18, Hamilton shows Server 40 and Client 50 are connected through a communication media between two network interfaces 60 and 68 see Fig. 2. Hamilton fails to show the communication medium is a serial bus IEEE-1394 standard.

Official Notice is taken that the use of an IEEE-1394's communication media for data communication between two devices is notoriously well known in

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the Data Communication art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hamilton by using an IEEE-1394 serial bus medium so to allow real-time data to be mixed with other data transfer at a transmission rates of 100, 200 and 400 Mbits/s such as in multimedia environments wherein multiple video and audio streams have to be transported between several devices simultaneously.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to: (703) 872-9314

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377

Hai Tran

A handwritten signature in black ink, appearing to read 'Hai Tran', is written over two horizontal lines.

Patent Examiner
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HT:ht
4/1/03